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| 09/648,451      | 08/28/2000  | Yukihiro Kawamata    | 500.38966X00        | 5431             |

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ANTONELLI TERRY STOUT AND KRAUS  
SUITE 1800  
1300 NORTH SEVENTEENTH STREET  
ARLINGTON, VA 22209

EXAMINER

SHRADER, LAWRENCE J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2124

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

09/648,451

Applicant(s)

KAWAMATA ET AL.

Examiner

Lawrence Shrader

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/28/2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

## DETAILED ACTION

### *Information Disclosure Statement*

Please note that the applicant's cited reference is listed on the "Notice of References Cited"

(PTO 892)

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 7 - 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Karibe et al., European Patent Application Publication EP 0 926 862 (hereinafter referred to as Karibe).

In reference to claim 1, Karibe teaches a terminal apparatus comprising:

*A reception unit...* A unit that receives software (programs or data) from a satellite (column 1, lines 3 – 5).

*An update sequence management unit...* A software managing unit is utilized that manages the sequence of events and information ordering of the software update after downloading (column 12, lines 23 – 26).

In reference to claims 5 and 9, if the reception unit receives or the distribution station sends the download from a satellite it would be inherent in the system that the information would be distributed along a zenith direction.

In reference to claim 7, Karibe discloses a software updating system:

*A station for distributing...* Column 1, lines 3 – 5.

*The terminal apparatus...* Column 1, lines 21 – 25.

*Wherein said station distributes...* Column 14, lines 29 – 32. Since the receiving unit sends the program name back to the transmitting unit in the status information, it would follow that the list would contain the name after updating.

In reference to claim 8, Karibe discloses a software updating system with a reception unit having a software managing unit (column 12, lines 23 – 26).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karibe et al., European Patent Application Publication EP 0 926 862 in view of Delo.

Karibe teaches a terminal apparatus that receives updated software via satellite with a management unit that determines the proper sequence of the update, and a distribution software list describing the software in the form of a software management table (column 14, lines 29 – 32). Karibe does not teach an installation sequence table, but Delo teaches the use of an installation sequence table controlling the sequence of installation actions (column 7, lines 21 –

Art Unit: 2124

23). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to download software via satellite with the software updating unit of Karibe and modify its distribution list to integrate with the installation sequence table of Delo in order to correctly update a particular software routine in a terminal apparatus having a specific ordering requirement in the process.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karibe et al., European Patent Application Publication EP 0 926 862 in view of Asao et al., JP 09218788A (hereinafter referred to as Asao).

In reference to claim 3, Karibe teaches a terminal apparatus that receives updated software via satellite with a management unit that determines the proper sequence of the update, and a transmitting unit for transmitting update status back to the transmitting unit (column 2, lines 36 – 40, 55 – 57) and a storage area before the update (figure 1), but does not teach a recovery unit for recovery in accordance with an operation check. Asao teaches a means to check the correctness of the downloaded program in a shared memory before loading into the main memory in order to recover the state of the software before the download (Abstract). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to download software via satellite with the software updating unit of Karibe and modify with the teaching of Asao to recover the original state of the software before the download so that the original configuration might be restored if an operational check found a problem with the downloaded software.

In reference to claim 4, Karibe teaches a terminal apparatus that receives updated software via satellite with a management unit that determines the proper sequence of the update,

Art Unit: 2124

and a transmitting unit for transmitting update status back to the transmitting unit (column 2, lines 36 – 40, 55 – 57), but does not teach an operation check of the updated software. Asao teaches a means to confirm the normality of a downloaded program (Abstract). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the software updating unit of Karibe, which reports update statuses back to the transmitting unit, with the operation checking routine of Asao so that the operational status of the downloaded software might be one of the possible reports sent back to the sending unit.

Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karibe et al., European Patent Application Publication EP 0 926 862 in view of Ando et al., U.S. Patent 6,230,098 (hereinafter referred to as Ando).

In reference to claim 6, Karibe teaches a terminal apparatus that receives updated software via satellite with a management unit that determines the proper sequence of the update, but does not teach a vehicle information terminal for automatically updating application software, map data, or system software using the terminal apparatus of claim 1. Ando teaches a map data processing and updating system through a broadcast system to an on-vehicle terminal device. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to update software according to the system of Karibe and modify it with the system of Ando in such a way to receive mobile vehicle map updating information via land broadcast or satellite system in order to provide a currently updated navigation capability.

In reference to claim 10 (terminal software system), rejected for the same reasons put forth in the rejection of claim 6 (a terminal apparatus).

Art Unit: 2124

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,115,549 to Janis et al., software distribution apparatus using software objects and lists.

U.S. Patent 6,499,109 to Balasubramaniam et al., verification of downloaded software before execution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Shrader whose telephone number is (703) 305-8046.


The examiner can normally be reached on M-F 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lawrence Shrader  
Examiner  
Art Unit 2124

February 24, 2003

  
**KAKALI CHAKI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**